



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

---

---

### City Council

Bob Wasserman, Mayor  
Suzanne Lee Chan, Vice Mayor  
Anu Natarajan  
Bill Harrison  
Dominic Dutra

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Mark Danaj, Assistant City Manager

Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Annabell Holland, Community Services Director  
Norm Hughes, City Engineer  
Kelly Kline, Economic Development Director  
Bruce Martin, Fire Chief  
Nadine Nader, City Clerk/Asst. to City Manager  
Jim Pierson, Public Works Director  
Jeff Schwob, Community Dev. Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Brian Stott, Human Resources Director  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**SEPTEMBER 13, 2011**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Special and Regular Meetings of July 26, 2011, the Special Meetings of August 15, 2011, and August 24, 2011*
- 2.3 **AWARD OF CONTRACT FOR THIRD PARTY ADMINISTRATION SERVICES FOR THE CITY'S SELF INSURED WORKERS' COMPENSATION PROGRAM**  
*Authorize the City Manager to Enter Into a Three Year Contract with Option for Two, Two-Year Extensions with York Risk Services Group to Provide Workers' Compensation Claims Administration Services for the City of Fremont*

*Contact Person:*

<i>Name:</i>	<i>Steven E. Schwarz</i>	<i>Harvey E. Levine</i>
<i>Title:</i>	<i>Risk Manager</i>	<i>City Attorney</i>
<i>Dept.:</i>	<i>City Attorney's Office</i>	<i>City Attorney's Office</i>
<i>Phone:</i>	<i>510-284-4052</i>	<i>510-284-4032</i>
<i>E-Mail:</i>	<i>sschwarz@fremont.gov</i>	<i>hlevine@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or designee to execute an agreement with York Risk Services Group effective October 1, 2011 in the amount of \$651,000 for the first three years of service, with the option for two, two-year extensions in an increased amount not-to-exceed 5% of the previous year.*

**2.4 REPORT OF ACTIONS TAKEN DURING COUNCIL RECESS**

*Report of Actions Taken by the City Manager during Council Recess, July 27, 2011 through September 5, 2011*

**Contact Person:**

<i>Name:</i>	<i>Susan Gauthier</i>	<i>Mark Danaj</i>
<i>Title:</i>	<i>Deputy City Clerk</i>	<i>Assistant City Manager</i>
<i>Dept.:</i>	<i>City Clerk's Office</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-284-4076</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>sgauthier@fremont.gov</i>	<i>mdanaj@fremont.gov</i>

*RECOMMENDATION: Receive report acknowledging actions taken by the City Manager or designee during the recess.*

**2.5 TIBURON SOFTWARE CONTRACT APPROVAL**

*Authorize the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with Tiburon, Inc., for Annual Software Maintenance of Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System Applications*

**Contact Person:**

<i>Name:</i>	<i>Pam Lutzing</i>	<i>Marilyn J. Crane</i>
<i>Title:</i>	<i>Public Safety IT Manager</i>	<i>Director</i>
<i>Dept.:</i>	<i>Police</i>	<i>Information Technology Services</i>
<i>Phone:</i>	<i>510-790-6734</i>	<i>510-494-4802</i>
<i>E-Mail:</i>	<i>plutzing@fremont.gov</i>	<i>mcrane@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager, or designee, to issue a purchase order to Tiburon, Inc., and to execute implementing documents for the annual software support of the Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System applications in the amount of \$129,550.00, including applicable sales tax.*

**2.6 INTERSECTION IMPROVEMENTS AT FREMONT BOULEVARD AND EGGERS DRIVE**

*Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds to the Intersection Improvements at Fremont Boulevard and Eggers Drive Project (PWC8787)*

*Contact Person:*

<i>Name:</i>	<i>Frans van der Meer</i>	<i>David Huynh</i>
<i>Title:</i>	<i>Engineer II (Transportation)</i>	<i>Senior Transportation Engineer</i>
<i>Dept.:</i>	<i>Public Works</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510-494-4796</i>	<i>510-494-4484</i>
<i>E-Mail:</i>	<i>fvandermeer@fremont.gov</i>	<i>dhuynh@fremont.gov</i>

*RECOMMENDATIONS:*

- 1. Authorize the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.*
- 2. Appropriate funds in the grant amount of \$316,200 to 522PWC8787 (Intersection Improvements at Fremont Boulevard and Eggers Drive).*
- 3. Transfer funds in the amount of \$35,200 from 531PWC7953 (Traffic Improvement Program at Various Locations) to 522PWC8787 (Intersection Improvements at Fremont Boulevard and Eggers Drive).*
- 4. Authorize staff to begin design of the Intersection Improvements at Fremont Boulevard and Eggers Drive.*

*2.7 OPERATING ENGINEERS LOCAL 3 MEMORANDUM OF UNDERSTANDING  
Consideration of a Resolution Approving a New Memorandum of Understanding  
(2011-2013) with Operating Engineers Local 3*

*Contact Person:*

<i>Name:</i>	<i>Brian Stott</i>	<i>Mark Danaj</i>
<i>Title:</i>	<i>Director</i>	<i>Assistant City Manager</i>
<i>Dept.:</i>	<i>Human Resources</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-494-4660</i>	<i>510-284-4000</i>
<i>E-Mail:</i>	<i>bstott@fremont.gov</i>	<i>mdanaj@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and Operating Engineers Local 3, and authorize the City Manager to execute the MOU.*

*2.8 FUND APPROPRIATIONS, APPROVE PLANS AND SPECIFICATIONS, AND  
AWARD CONTRACT FOR THE NATURE LEARNING CENTER  
Fund Appropriations, Approve Plans and Specifications, and Award Contract to the  
Lowest Responsive Responsible Bidder for the Nature Learning Center, City Project  
No. 8744 (PWC)*

*Contact Person:*

<i>Name:</i>	<i>Martha S. Martinez</i>	<i>Robert Kalkbrenner</i>
<i>Title:</i>	<i>Project Manager</i>	<i>Civic Facilities Development Manager</i>
<i>Dept.:</i>	<i>Public Works</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510-494-4727</i>	<i>510-494-4428</i>
<i>E-Mail:</i>	<i>mamartinez@fremont.gov</i>	<i>rkalkbrenner@fremont.gov</i>

**RECOMMENDATION:**

1. *Appropriate \$30,000 from Urban Runoff Clean Water Fund Balance (Fund 123) to 123PWC8744 for the construction of a Modular Nature Learning Center in Central Park.*
2. *Approve the plans and specifications for the Nature Learning Center, City Project No. 8744 (PWC).*
3. *Award a contract for the Nature Learning Center, City Project No. 8744 (PWC), to Guerra Construction Group in the amount of \$137,942, and authorize the City Manager, or designee, to execute the contract.*

**2.9 FREMONT ASSOCIATION OF CITY EMPLOYEES (FACE) MEMORANDUM OF UNDERSTANDING**

*Consideration of a Resolution Approving a new Memorandum of Understanding (2011-2013) with the Fremont Association of City Employees (FACE)*

**Contact Person:**

<i>Name:</i>	<i>Brian Stott</i>	<i>Mark Danaj</i>
<i>Title:</i>	<i>Director</i>	<i>Assistant City Manager</i>
<i>Dept.:</i>	<i>Human Resources</i>	<i>City Manager's Office</i>
<i>Phone:</i>	<i>510-494-4660</i>	<i>510-284-4000</i>
<i>E-Mail:</i>	<i>bstott@fremont.gov</i>	<i>mdanaj@fremont.gov</i>

**RECOMMENDATION:** *Adopt a resolution approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and the Fremont Association of City Employees (FACE), and authorize the City Manager to execute the MOU.*

**3. CEREMONIAL ITEMS - None**

**4. PUBLIC COMMUNICATIONS**

**4.1 Oral and Written Communications**

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None. [See separate cancellation notice](#) (lilac paper).

## CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

### **5. SCHEDULED ITEMS – None.**

### **6. REPORT FROM CITY ATTORNEY**

6.1 Report Out from Closed Session of Any Final Action

### **7. OTHER BUSINESS – None.**

### **8. COUNCIL COMMUNICATIONS**

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

### **9. ADJOURNMENT**







REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

SEPTEMBER 13, 2011



**\*2.3 AWARD OF CONTRACT FOR THIRD PARTY ADMINISTRATION SERVICES FOR THE CITY'S SELF INSURED WORKERS' COMPENSATION PROGRAM**  
**Authorize the City Manager to Enter Into a Three Year Contract with Option for Two, Two-Year Extensions with York Risk Services Group to Provide Workers' Compensation Claims Administration Services for the City of Fremont**

**Contact Person:**

Name:	Steven E. Schwarz	Harvey E. Levine
Title:	Risk Manager	City Attorney
Dept.:	City Attorney's Office	City Attorney's Office
Phone:	510-284-4052	510-284-4032
E-Mail:	sschwarz@fremont.gov	hlevine@fremont.gov

---

**Executive Summary:** The City currently contracts for services to administer the City's self-insured workers' compensation program, under an agreement with York Risk Services Group (York). The current agreement expires September 30, 2011. Staff recommends that the City Council authorize the City Manager to execute a new three-year agreement for administration of the City's self-insured workers' compensation program with York Risk Services Group with the option for two, two-year extensions.

**BACKGROUND:** The City has been under contract with York to provide workers' compensation administrative services since October 1, 2006. The current contract expires September 30, 2011. With the upcoming expiration of the existing contract, staff initiated a request for proposals (RFP) for third party administrators on May 2, 2011. The City received seven responses to the RFP.

On July 28, 2011, the five firms which presented the best written responses were invited to provide presentations and respond to questions from a review committee consisting of representatives from Fire, Police, Human Resources, Finance and Risk Management. In addition, the City's workers' compensation defense attorney and Risk Managers from the cities of Sunnyvale and Lodi were on the committee. The committee concluded that York Risk Services Group (York) is the best candidate to provide the services required by the City. Of particular interest to the review committee was York's assignment of a physician advisor to the City's account. The physician advisor will provide peer to peer discussions with treating physicians regarding clinical medical status of City employees under their care. Additionally, York agreed to a 14% reduction of its 2010 fee because of a change in market conditions.

**FISCAL IMPACT:** York's fee for the first three years of the agreement as follows:

Year 1 \$ 211,000  
Year 2 \$ 218,000  
Year 3 \$ 222,000

The two, two-year optional extensions, if utilized, will be negotiated in an increased amount not to exceed 5% of the previous year.

**ENVIRONMENTAL REVIEW:** N/A

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or designee to execute an agreement with York Risk Services Group effective October 1, 2011 in the amount of \$651,000 for the first three years of service, with the option for two, two-year extensions in an increased amount not-to-exceed 5% of the previous year.

## **\*2.4 REPORT OF ACTIONS TAKEN DURING COUNCIL RECESS**

### **Report of Actions Taken by the City Manager during Council Recess, July 27, 2011 through September 5, 2011**

#### **Contact Person:**

Name:	Susan Gauthier	Mark Danaj
Title:	Deputy City Clerk	Assistant City Manager
Dept.:	City Clerk's Office	City Manager's Office
Phone:	510-284-4076	510-284-4005
E-Mail:	sgauthier@fremont.gov	mdanaj@fremont.gov

---

**Executive Summary:** The purpose of this report is to notify City Council of the administrative actions taken by the City Manager or his designee during the Council recess of July 27, 2011 through September 5, 2011.

**BACKGROUND:** On July 26, 2011, the City Council adopted Resolution No. 2011-50 authorizing the City Manager or designee to approve administrative matters specified in the resolution during the legislative recess period. All of the contract awards were at or below the budgeted amount and engineers' estimated amounts, which are shown below. Following is the status of items specified in Resolution No. 2011-50:

- Title:** Approval of Plans and Specifications and Award of Contract to the lowest responsible bidder for the Centerville Ballfield Synthetic Turf Project No. 8717 (PWC) – Re-Bid

**Staff Contacts:** Mark Mennucci, Associate Landscape Architect, 510-494-4530  
Roger Ravenstad, Senior Landscape Architect, 510-494-4723

**Name of Contracting Party:** Elite Landscaping, Inc.

**Budgeted Amount:** \$918,000

**Contract Amount:** \$833,959.71, total bid amount

**Action:** City Manager (1) approved the plans and specifications for the Centerville Ballfield Synthetic Turf Conversion project; and (2) approved the transfer of offsite amenity fees from fund 502PWC8392 totaling \$10,468.78 to 502PWC8717, and the corresponding transfer of impact fees from fund 540PWC8717 totaling \$10,468.78 to fund 540PWC8392; and, (3) accepted the bid and awarded the construction contract to Elite Landscaping, Inc., for the total bid amount of \$833,959.71.
- Title:** Engineering Design and Construction Inspection Services related to Sabercat Creek Restoration Project Management Services Contract Amendment

**Staff Contact:** Kathy Cote, Environmental Services Manager, 510-494-4583

**Name of Contracting Party:** Questa Engineering

**Budgeted Amount:** \$75,000

Action: Executed Amendment No. 1 to existing agreement for Engineering Design Restoration Project with Questa Engineering, for additional engineering design services in an amount not-to-exceed \$75,000, which increased the total management service contract in an amount not-to-exceed \$205,000, and (2) retained the City Manager's amendment authority pursuant to the Purchasing Code at 20% of the original contract amount for future amendments.

3. Title: Cost Sharing Agreement for the Sabercat Creek Restoration Project (Companion item to the Questa Engineering contract amendment)
- Staff Contact: Kathy Cote, Environmental Services Manager, 510-494-4583
- Name of Contracting Party: Alameda County Flood Control and Water Conservation District
- Budgeted Amount: \$45,000
- Action: Executed Amendment No. 1 to the existing agreement for cost sharing between the City and the Alameda County Flood Control and Water Conservation District (District) for the Sabercat Creek Restoration project in an amount not-to-exceed \$45,000, which increased the total District's cash contribution to an amount not-to-exceed \$205,000, in order to fund the additional services to be provided by Questa Engineering and decreased the District's in-kind services contribution from an amount not-to-exceed \$50,000 to an amount not-to-exceed \$20,000.
4. Title: Afghan Elderly Association Health Promoter Project Management Services Contract
- Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062
- Name of Contracting Party: Afghan Elderly Association
- Budgeted Amount: \$98,900
- Recommended Action: Authorize the City Manager or designee to execute an agreement with the Afghan Elderly Association for the Afghan Health Promoter project to provide assistance with health issues for seniors in an amount not-to-exceed \$98,900.
- Action Taken: Contact in process with the City Attorney. Expect to be completed by September 5, 2011.
5. Title: Area Agency on Aging Case Management Management Services Contract
- Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062
- Name of Contracting Party: Alameda County Area Agency on Aging
- Budgeted Amount: \$30,922

Action Taken: Contract in process with the City Attorney. Expect to be completed by September 5, 2011. If it is completed at that time, an additional \$3,081 will be appropriated to account 106.5325

6. Title: Area Agency on Aging MSSP Case Management Management Services Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$53,140  
Action Taken: Agreement executed with the Alameda County Area Agency on Aging for the MSSP Case Management program in an amount not-to-exceed \$53,140.
7. Title: Area Agency on Aging Senior Center Management Services Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$11,874  
Action Taken: Agreement executed with the Alameda County Area Agency on Aging for the senior center activities an amount not-to-exceed \$11,874, and appropriated an additional \$1,874 to account 173.5331..
8. Title: Alameda County Behavioral Health Care In-Home Mental Health Services Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062  
Name of Contracting Party: Alameda County Behavioral Health Care Services  
Budgeted Amount: \$422,799  
Action Not Taken: Contract to provide in-home mental health services to seniors still being negotiated. Will not be completed by September 5, 2011.
9. Title: Health Promoter Project Management Services Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 510-574-2062  
Name of Contracting Party: Alameda County Public Health Department  
Budgeted Amount: \$169,250  
Action Not Taken: Contract for health care assistance for seniors still being negotiated. Will not be completed by September 5, 2011.
10. Title: Agreement with California Department of Aging for MSSP Care Management Program Contract

- Staff Contact: Karen Grimsich, Aging and Family Services Administrator,  
510-574-2062
- Name of Contracting Party: California Department of Aging
- Budgeted Amount: \$209,965
- Action Taken: Contract to provide senior case management services in process  
with the City Attorney. Expect to be completed by  
September 5, 2011.
11. Title: City of Newark
- Staff Contact: Karen Grimsich, Aging and Family Services Administrator,  
510-574-2062
- Name of Contracting Party: City of Newark
- Budgeted Amount: \$5,000
- Action Taken: Task Order No. 3 to the existing Joint Powers Master Service  
Agreement with the City of Newark to provide senior case  
management services in Newark in process with the City Attorney.  
Expect to be completed by September 5, 2011.
12. Title: City of Union City
- Staff Contact: Karen Grimsich, Aging and Family Services Administrator,  
510-574-2062
- Name of Contracting Party: City of Union City
- Budgeted Amount: \$11,400
- Action Taken: Agreement with the City of Union City to provide case  
management services for seniors in Union City in process with the  
City Attorney. Expect to be completed by September 5, 2011
13. Title: FY 2011/12 Social Service Grant Contract
- Staff Contact: Lucia Hughes, CDBG Administrator, 510-574-2043
- Name of Contracting Party: Abode Services
- Budgeted Amount: \$139,023
- Action: Executed an agreement effective July 1, 2011 through June 30,  
2012 for the operation of Sunrise Village homeless shelter.
14. Title: FY 2011/12 Social Service Grant Contract
- Staff Contact: Lucia Hughes, CDBG Administrator, 510-574-2043
- Name of Contracting Party: LIFE ElderCare
- Budgeted Amount: \$80,924
- Action: Executed an agreement for FY 2011/12 with LIFE ElderCare to  
provide meals on wheels.
15. Title: FY 2011/12 Probation Contract
- Staff Contact: Arquimides Caldera, Deputy Director, 510-574-2056 or  
Iris Preece, Youth and Family Services Administrator,  
510-574-2128



Name of Contracting Party: Alameda County Probation Department  
Budgeted Amount: \$421,661  
Action: Contract for counseling and case management services to support at-risk youth and families from Fremont and Newark still being negotiated. Will not be completed by September 5, 2011.

16. Title: Mental Health Services Contract  
Staff Contact: Judy Schwartz, FRC Manager, 510-574-2007  
Name of Contracting Party: Alameda County Behavioral Health Care Services Agency  
Budgeted Amount: \$185,551  
Action: Executed a contract with Alameda County Behavioral Health for mental health services at the Fremont Family Resource Center.
17. Title: Approval of Contract with Alameda County Health Care Services Agency  
Staff Contact: Judy Schwartz, FRC Manager, 510-574-2007  
Name of Contracting Party: Alameda County Health Care Services Agency  
Budgeted Amount: \$150,000  
Action: No action taken to execute an agreement for infrastructure support for the Fremont Family Resource Center.
18. Title: Contract Renewal with Alameda County Behavioral Health Care Services  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 510-574-2128  
Name of Contracting Party: Alameda County Behavioral Health Services  
Budgeted Amount: \$723,426  
Action: Interim contract for a maximum of \$717,765 for mental health services provided by Youth and Family Services in FY 2011/12 executed. Reduced amount due to California's reductions to Medi-Cal.
19. Title: Task Order No. 7 to FUSD Joint Powers Agreement  
Staff Contact: Arquimides Caldera, Deputy Director, 510-574-2056 or Iris Preece, Youth and Family Services Administrator, 510-574-2128  
Name of Contracting Party: Fremont Unified School District  
Budgeted Amount: \$104,540  
Action: Staff expects FUSD will return the Task Order to provide counseling services at Fremont school sites for FY 2011/12, and it will be executed by September 5, 2011. The staff report should indicate that the FY 2011/12 Task Order to the FUSD Joint Powers Agreement is Number 7 and not Number 6, as shown in the Delegation of Authority report of July 26, 2011.

20. Title: Revision to terms of an existing loan under the Community Building Rehabilitation Program  
Staff Contact: Josh Huber, Redevelopment Project Manager, 510-494-4513  
Name of Contracting Party: Judith Radcliff Heyman, et al  
Budgeted Amount: No direct cost, although there would be foregone interest income  
Action: Contract to revise an existing loan, decreasing the interest rate to 0% and extending the loan period for an additional 20 years in process with the City Attorney. Expect to be completed by September 5, 2011.
21. Title: Police Department Seismic Retrofit Construction Project (PWC 8649) Contract Amendment  
Staff Contact: Martha Martinez, Project Manager, 510-494-4727  
Name of Contracting Party: Critical Solutions, Inc.  
Budgeted Amount: \$85,000  
Action: Executed Amendment No. 2 to the Construction Management Service Agreement with Critical Solutions, Inc., for additional services in an amount not-to-exceed \$85,000, which increases the total construction management services to an amount not-to-exceed \$664,520.
22. Title: Police Department Seismic Retrofit Construction Project (PWC 8649) Contract Amendment  
Staff Contact: Martha Martinez, Project Manager, 510-494-4727  
Name of Contracting Party: The Crosby Group  
Budget Amount: \$68,000  
Action: Executed Amendment No. 4 to the Design and Construction Administration Service Agreement with The Crosby Group for additional services in an amount not-to-exceed \$68,000, which increases the total design and construction administration services to an amount not-to-exceed \$1,463,863.
23. Title: Police Department Seismic Retrofit Construction Project (PWC 8649) Contract Amendment  
Staff Contact: Martha Martinez, Project Manager, 510-494-4727  
Name of Contracting Party: Consolidated Engineering Laboratories  
Budgeted Amount: \$30,000  
Action: Executed Amendment No. 1 to the Special Inspections Service Agreement with Consolidated Engineering Laboratories for additional on-call services by task order in an amount not-to-exceed \$30,000, which increases the total special inspections services to an amount not-to-exceed \$250,000.

24. Title: Fire Bond Construction Project Management Services Contract Amendment  
Staff Contact: Martha Martinez, Project Manager, 510-494-4727  
Name of Contracting Party: Harris and Associates  
Budgeted Amount: \$38,000  
Action: Executed Amendment No. 4 to the existing agreement for Fire Bond Construction Project Management Services with Harris and Associates, for additional construction administration services in an amount not-to-exceed \$38,000, which increases the total construction administration services to an amount not-to-exceed \$2,849,720.
25. Title: Implementation of Memorandum(s) of Understanding ratified by labor association(s)  
Staff Contact: Brian Stott, Human Resources Director, 510-494-4664  
Action: These items are scheduled separately for the September 6, 2011 council meeting.
26. Title: CSBG Funds for Economic Success Services and Partnership Agreement for Utilization of CSBG Funds  
Staff Contact: Suzanne Shenfil, Director of Human Services, 510-574-2051.  
Name of Contracting Party: United Way of the Bay Area and City of Oakland  
Budgeted Amount: \$100,000  
Action: No action taken.

**ENCLOSURE:** None

**RECOMMENDATION:** Receive report acknowledging actions taken by the City Manager or designee during the recess.

## **\*2.5 TIBURON SOFTWARE CONTRACT APPROVAL**

**Authorize the City Manager, or Designee, to Issue a Purchase Order and to Execute Implementing Documents with Tiburon, Inc., for Annual Software Maintenance of Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System Applications**

### **Contact Person:**

Name:	Pam Lutzinger	Marilyn J. Crane
Title:	Public Safety IT Manager	Director
Dept.:	Police	Information Technology Services
Phone:	510-790-6734	510-494-4802
E-Mail:	plutzinger@fremont.gov	mcrane@fremont.gov

---

**Executive Summary:** The City has an existing Master Support Agreement with Tiburon, Inc., to maintain the Police Department Computer-Aided Dispatch (CAD), Automated Report Writing, Records Management, Jail Management, and Property System applications. The annual supports costs for the period October 1, 2011 through September 30, 2012 are \$129,550.00 (including applicable sales tax). This amount exceeds \$100,000 and requires City Council approval.

**BACKGROUND:** On December 17, 2003, the City entered into a Master Support Agreement with Tiburon to implement the Police Department's major technology applications. The Master Support Agreement includes Exhibit 2, which lists the applications that Tiburon supports on an on-going basis after the implementation together with the annual support fees and includes: Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System. Exhibit 2 is updated each year with the new annual support fees. There is no new agreement for support of the applications each year.

**DISCUSSION/ANALYSIS:** It is important to have support agreements provided by the vendor in order to ensure that major applications in the City are updated as needed. Software support agreements are also necessary for ongoing maintenance in the event of system malfunction. The Tiburon Master Support Agreement includes technical assistance for the CAD applications on a twenty-four hours a day, seven days a week basis. Technical assistance for the other Tiburon applications is available during the regular business day, 8:00 a.m. to 5:30 p.m. PST, excluding weekends and holidays. The Master Support Agreement also includes updates for critical interfaces to external systems such as the National Crime Information Center and California Law Enforcement Telecommunications System.

**FISCAL IMPACT:** Funds are appropriated for the Tiburon annual support costs in the Information Technology Services Department's FY 2011/12 operating budget (620-1714).

**ENVIRONMENTAL REVIEW:** Not applicable

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager, or designee, to issue a purchase order to Tiburon, Inc., and to execute implementing documents for the annual software support of the Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System applications in the amount of \$129,550.00, including applicable sales tax.

**\*2.6 INTERSECTION IMPROVEMENTS AT FREMONT BOULEVARD AND EGGERS DRIVE**

**Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds to the Intersection Improvements at Fremont Boulevard and Eggers Drive Project (PWC8787)**

**Contact Person:**

Name:	Frans van der Meer	David Huynh
Title:	Engineer II (Transportation)	Senior Transportation Engineer
Dept.:	Public Works	Public Works
Phone:	510-494-4796	510-494-4484
E-Mail:	fvandermeer@fremont.gov	dhuynh@fremont.gov

---

**Executive Summary:** The Caltrans Division of Local Assistance invited local agencies to submit applications for the Cycle 4 Highway Safety Improvement Program (HSIP) funds in December 2010. Staff responded by submitting an application in the amount of \$316,200 to improve the intersection of Fremont Boulevard and Eggers Drive. The project's goal is to improve pedestrian safety at the intersection by increasing the pedestrian staging/storage area with widened sidewalks and curb bulb-outs and modifying the traffic signal to include countdown and accessible pedestrian signals. The City was successful in securing this grant. In order to utilize the HSIP grant funds, staff recommends that the City Council authorize the City Manager or designee to accept the HSIP grant funds and execute any associated documents, appropriate the grant and local match funds to the project, and authorize staff to begin design on the Intersection Improvements at Fremont Boulevard and Eggers Drive Project (PWC8787).

**BACKGROUND:** The Highway Safety Improvement Program (HSIP) was elevated to a core program as a result of the passage of the federal Surface Transportation Reauthorization Bill known as SAFETEA-LU, replacing the previous Hazard Elimination Safety (HES) Program. HSIP funds are eligible for use on any safety improvement project on a public road and pedestrian-bicycle path or trail. For a project to be eligible for HSIP funding, a specific safety concern must be identified and the project must substantially improve the situation.

**DISCUSSION/ANALYSIS:** The Caltrans Division of Local Assistance issued the call for projects under this program in September 2010 for the 2010/11 Cycle 4 HSIP Plan. Staff responded to the call for projects by submitting an application for \$316,200 to design and construct improvements at the intersection of Fremont Boulevard and Eggers Drive. Staff identified the project at the intersection of Fremont Boulevard and Eggers Drive, over a nine year period (2001 to 2009), 30 collisions have occurred, including three bicycle/pedestrian collisions. In general, the project will create pedestrian enhancements to the intersection by increasing pedestrian storage/staging area with widened sidewalks, curb bulb-outs to decrease the distance pedestrians cross, and tighten curb corners to reduce the speed of turning vehicles. Traffic signal improvements will also be made by removing median mounted signal poles, installing countdown and accessible pedestrian signals, enhancing intersection lighting for increased nighttime visibility, and providing additional signal heads for greater driver visibility of signal indications.

Staff was notified of the City's successful application for Cycle 4 HSIP funds. The HSIP grant will fund up to 90 percent of the project cost and requires a minimum ten percent local match. There are sufficient local matching funds in the CIP under the program called Traffic Improvement Program at Various Locations (PWC7953) that will be used for the ten percent minimum local match of \$35,200. In order to initiate this project, staff recommends that the City Council authorize the City Manager or designee to accept the HSIP grant funds and execute any associated grant documents, and authorize staff to begin design on the Intersection Improvement Project at Fremont Boulevard and Eggers Drive (PWC8787).

**FISCAL IMPACT:** The required local match in the amount of \$35,200 for this HSIP grant will be funded from the Traffic Improvement Program at Various Locations (531PWC7953).

**ENVIRONMENTAL REVIEW:** Appropriate environmental review will be conducted prior to completion of the design work.

**ENCLOSURE:** None

**RECOMMENDATIONS:**

1. Authorize the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.
2. Appropriate funds in the grant amount of \$316,200 to 522PWC8787 (Intersection Improvements at Fremont Boulevard and Eggers Drive).
3. Transfer funds in the amount of \$35,200 from 531PWC7953 (Traffic Improvement Program at Various Locations) to 522PWC8787 (Intersection Improvements at Fremont Boulevard and Eggers Drive).
4. Authorize staff to begin design of the Intersection Improvements at Fremont Boulevard and Eggers Drive.

**\*2.7 OPERATING ENGINEERS LOCAL 3 MEMORANDUM OF UNDERSTANDING  
Consideration of a Resolution Approving a New Memorandum of Understanding (2011-  
2013) with Operating Engineers Local 3**

**Contact Person:**

Name:	Brian Stott	Mark Danaj
Title:	Director	Assistant City Manager
Dept.:	Human Resources	City Manager's Office
Phone:	510-494-4660	510-284-4000
E-Mail:	bstott@fremont.gov	mdanaj@fremont.gov

---

**Executive Summary:** On August 31, 2011, the City of Fremont reached a mediated settlement with Operating Engineers Local 3 for a two-year labor agreement. The bargaining unit has 93 members and represents Building, Street and Park Maintenance Workers, Fleet Mechanics, Maintenance Supervisors and Construction Inspectors. The proposed MOU contains the following significant changes from the prior agreement term: total compensation reductions, a second tier retirement benefit for new employees, and a significant reduction in retiree medical reimbursement for new employees. Otherwise, the provisions of the former MOU are generally carried forward.

**BACKGROUND:** On March 1, 2011, the City Council adopted labor relations guidelines to support City staff's efforts to address the City's ongoing General Fund structural imbalance caused by rising personnel costs and recession-related decreased revenue. The guidelines directed staff to address both short-term imbalances and the long-term fiscal sustainability of the City, as follows:

1. Focus on the cost of total compensation while considering the City's fiscal condition and revenue projections
2. Use short-term and long-term strategies to curtail escalating benefit costs, such as wellness programs and other cost containment initiatives
3. Maintain a consistent approach to bargaining through clear, ongoing communication of policy direction set by the City Council
4. Remain mindful of other increasing costs, including the retiree healthcare liability
5. To the extent possible, preserve the City's ability to be a competitive employer in the local labor market

The City and Operating Engineers Local 3 (OE3) bargaining teams held eight negotiations meetings and OE3 agreed to hold a membership vote on a proposal reached through mediation on August 31, 2011. Operating Engineers Local 3 ratified the proposal on September 7, 2011.

**DISCUSSION/ANALYSIS:**

**Primary Memorandum of Understanding Provision Changes:**

1. *Compensation Reduction:*  
Effective September 11, 2011, employees will contribute 6.3% (Fiscal Year equivalent of 5.29%) of salaries to offset a portion of the 22.916% employer CalPERS required contribution pursuant to California Government Code 20516.



Beginning on July 1, 2012 and continuing throughout the Fiscal Year 2012/13, OE3 represented employees will contribute 5.29% of salaries to offset a portion of the 23.9% (projected) employer CalPERS required contribution pursuant to California Government Code 20516.

2. *Second Tier Retirement Benefit:*

Effective January 1, 2012, new employee retirement benefits will consist of the two percent (2%) at sixty (60) years of age formula based on a three (3) highest consecutive years of pay average and a two percent (2%) COLA.

3. *Retiree Medical:*

Effective January 1, 2012, retiree medical benefits for newly hired employees will accrue at ten dollars (\$10.00) per month per year of service up to 24 years, increasing to five hundred dollars (\$500) per month with 25 or more years of service.

**FISCAL IMPACT:**

**Fiscal Impact of the Memorandum of Understanding Changes:**

MOU Change	Anticipated Fiscal Impact
Compensation Reduction	(\$402,000)
Second Tier Retirement	Long-Term Structural Savings
Retiree Medical Reimbursement	Long-Term Structural Savings

The proposed MOU satisfies Council direction by reducing total compensation and pursuing long-term fiscal sustainability via changes to health and retirement benefits. The agreement is the result of a productive partnership between management staff and the bargaining unit to help address the City's unprecedented structural budget imbalance.

**ENVIRONMENTAL REVIEW:** N/A

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and Operating Engineers Local 3, and authorize the City Manager to execute the MOU.

**\*2.8 FUND APPROPRIATIONS, APPROVE PLANS AND SPECIFICATIONS, AND AWARD CONTRACT FOR THE NATURE LEARNING CENTER**

**Fund Appropriations, Approve Plans and Specifications, and Award Contract to the Lowest Responsive Responsible Bidder for the Nature Learning Center, City Project No. 8744 (PWC)**

**Contact Person:**

Name: Martha S. Martinez

Title: Project Manager

Dept.: Public Works

Phone: 510-494-4727

E-Mail: mamartinez@fremont.gov

Robert Kalkbrenner

Civic Facilities Development Manager

Public Works

510-494-4428

rkalkbrenner@fremont.gov

---

**Executive Summary:** The purpose of this report is to recommend the City Council approve the plans and specifications, and award a construction contract, in the amount of \$137,942, to Guerra Construction Group, Inc., the lowest responsive and responsible bidder for the Nature Learning Center (also known as the Environmental Education Center), located at City of Fremont Central Park, under City Project No. 8744 (PWC).

**BACKGROUND:** The City's National Pollutant Discharge Elimination Permit (NPDES or storm-water permit) requires the City to conduct water quality education and outreach activities. To help the City comply with these requirements, Environmental Services and Recreation Services collaborated to develop the free Clean Water Education Program (also known as Stivers Lagoon Field Trips), which has educated over 10,000 students, teachers and parents since its inception in FY 2003/04. The classroom portion of the field trip currently takes place in a temporary trailer, which is also utilized by Recreation Services during the summer to conduct revenue-generating camp programs. According to the building code, the temporary trailer cannot be utilized for long-term use without significant upgrades. The estimated cost of retrofitting and upgrading the existing trailer exceeds the cost of installing a new modular building.

The Recreation Commission considered this item at its meeting on December 1, 2010, and unanimously recommended that the City Council approve the construction of a new facility, which the Council did on December 14, 2010.

**Project Description:** This project includes the installation of a permanent concrete building foundation, an underground fire water line, and other related site improvements described in the documents for the installation of a new permanent modular building. The purchase and installation of the new permanent modular building is under a separate contract.

**Design Consultant:** DC Architects

**Contract Duration:** The contract documents stipulate that the work is to be performed and substantially completed in 35 calendar days.

**DISCUSSION/ANALYSIS:** The construction bid documents were advertised in the Tri-City Voice on July 28, 2011, and August 2, 2011. The bid documents were also distributed to five builders' exchanges and plan rooms. The engineer's estimate for the Base Bid is \$125,000. Eight bids were received and opened on August 22, 2011. The bidders with their respective bid amounts are shown below.

<b>Contractor</b>	<b>Base Bid Total</b>	<b>Bid Alt. 1</b>	<b>Bid Alt. 2</b>	<b>Bid Alt. 3</b>	<b>Rank</b>
Guerra Construction Group	\$137,942	\$9,937	\$9,649	\$6,273	1
Dryco Construction, Inc.	\$143,000	\$4,400	\$19,300	\$1,850	2
Granite Rock Company dba Pavex Construction Division	\$164,136	\$6,210	\$18,725	\$4,200	3
PENCON, Inc.	\$170,000	\$10,600	\$9,100	\$4,300	4
Romkon, Inc.	\$170,500	\$26,000	\$22,000	\$45,000	5
CRW Industries, Inc.	\$179,304	\$6,571	\$8,158	\$4,759	6
Designed Building Systems, Inc.	\$189,00	\$22,300	\$25,000	\$7,200	7
Rodan Builders, Inc.	\$213,600	\$14,000	\$15,600	\$5,000	8

As stated in the project Special Provisions, determination of the low monetary bidder is based on the Base Bid. The low-bidder, Guerra Construction Group, submitted a responsive Base Bid in the amount of \$137,942 and all required documentation is in order.

Guerra Construction Group is a responsible bidder experienced in this type of work. Three optional Bid Alternate items were included in the bid. Bid Alternate 1 is for a concrete walkway, Bid Alternate 2 is for a decomposed granite area, and Bid Alternate 3 is for a gate associated with Bid Alternate 1. Staff does not recommend awarding any of the Bid Alternate items at this time as there are not enough project funds available.

**FISCAL IMPACT:** The following is a summary of actual and estimated project costs and funding:

<b>PROJECT COSTS</b>	
Consultant Costs	\$30,500
City Staff and Related Soft Costs	43,677
Construction Contract	137,942
Modular Building Costs	96,060
Project Contingency	21,821
<b>Total Estimated Project Costs:</b>	<b>\$330,000</b>

<b>PROPOSED PROJECT FUNDING</b>		
Fund 123	City Urban Runoff Program	\$75,000
Fund 189	Recreation Services Operation Improvements Reserve	225,000
Fund 123	City Urban Runoff Program (Pending Council Appropriation)	30,000
<b>Total Project Funding:</b>		<b>\$330,000</b>

The original budget of \$300,000 for City Project No. 8744 (PWC) was approved and appropriated by City Council on December 14, 2010. Staff recommends the appropriation of an additional \$30,000 from Urban Runoff Clean Water Fund Balance (Fund 123) to fund the estimated project costs. The Unallocated Urban Runoff Clean Water fund balance policy states that funds will be used to support a multi-year focused watershed management program to enhance the Regional Water Quality Board's storm water quality standards. Program components may include erosion control, community education, and storm water management techniques to improve the quality of water through the watershed. The Clean Water Education Program qualifies because it is part of the community education component. Sufficient funding is available for this purpose in the Urban Runoff Clean Water Fund Balance.

**ENVIRONMENTAL IMPACT:** This project is categorically exempt from review under the California Environmental Quality Act (CEQA) in accordance with CEQA Guideline 15302, Reconstruction of Existing Facilities. The proposed project replaces an existing Nature Learning Center temporary building with a new permanent facility of substantially the same capacity and purpose located on the same site.

**ENCLOSURES:** None

**RECOMMENDATION:**

1. Appropriate \$30,000 from Urban Runoff Clean Water Fund Balance (Fund 123) to 123PWC8744 for the construction of a Modular Nature Learning Center in Central Park.
2. Approve the plans and specifications for the Nature Learning Center, City Project No. 8744 (PWC).
3. Award a contract for the Nature Learning Center, City Project No. 8744 (PWC), to Guerra Construction Group in the amount of \$137,942, and authorize the City Manager, or designee, to execute the contract.

**\*2.9 FREMONT ASSOCIATION OF CITY EMPLOYEES (FACE) MEMORANDUM OF UNDERSTANDING**  
**Consideration of a Resolution Approving a new Memorandum of Understanding (2011-2013) with the Fremont Association of City Employees (FACE)**

**Contact Person:**

Name:	Brian Stott	Mark Danaj
Title:	Director	Assistant City Manager
Dept.:	Human Resources	City Manager's Office
Phone:	510-494-4660	510-284-4000
E-Mail:	bstott@fremont.gov	mdanaj@fremont.gov

---

**Executive Summary:** On August 31, 2011, the City of Fremont completed negotiations with the Fremont Association of City Employees (FACE) for a tentative two-year labor agreement. This bargaining unit has approximately 220 members and represents a variety of miscellaneous job classifications ranging from Office Specialist to Building Inspector. The proposed MOU contains the following significant changes from the prior agreement term: total compensation reductions and a second tier retirement benefit for new employees. Otherwise, the provisions of the former MOU are generally carried forward.

**BACKGROUND:** On March 1, 2011, the City Council adopted labor relations guidelines to support City staff's efforts to address the City's ongoing General Fund structural imbalance caused by rising personnel costs and recession-related decreased revenue. The guidelines directed staff to address both short-term imbalances and the long-term fiscal sustainability of the City as follows:

1. Focus on the cost of total compensation while considering the City's fiscal condition and revenue projections
2. Use short-term and long-term strategies to curtail escalating benefit costs, such as wellness programs and other cost containment initiatives
3. Maintain a consistent approach to bargaining through clear, ongoing communication of policy direction set by the City Council
4. Remain mindful of other increasing costs, including the retiree healthcare liability
5. To the extent possible, preserve the City's ability to be a competitive employer in the local labor market

The City and FACE bargaining teams held eight negotiation meetings and, after declaring impasse, two mediated meetings. A tentative agreement was reached on August 31, 2011.

**DISCUSSION/ANALYSIS:**

**Primary Memorandum of Understanding Provision Changes:**

1. *Compensation Reduction:*  
Effective September 11, 2011, FACE employees will contribute 6.3% of salaries to offset a portion of the 22.916% employer CalPERS required contribution pursuant to California Government Code 20516.

Beginning on July 1, 2012 and continuing throughout the Fiscal Year 2012/13, FACE represented employees will contribute 5.29% of salaries to offset a portion of the 23.9% (projected) employer CalPERS required contribution pursuant to California Government Code 20516.

2. *Second Tier Retirement Benefit:*

Effective January 1, 2012, new employees will receive retirement benefits that will consist of the two percent (2%) at sixty (60) years of age formula based on a three (3) highest consecutive years of pay average with a two percent (2%) cost of living adjustment (COLA).

**FISCAL IMPACT:**

**Fiscal Impact of the Memorandum of Understanding Changes:**

MOU Change	Anticipated Fiscal Impact
Compensation Reduction	(\$886,792)
Second Tier Retirement	Long-Term Structural Savings

The proposed MOU satisfies Council direction by reducing total compensation and pursuing long-term fiscal sustainability via changes to retirement benefits. The agreement is the result of a productive partnership between management staff and the bargaining unit to help address the City's unprecedented structural budget imbalance.

**ENVIRONMENTAL REVIEW:** N/A

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution approving a two-year Memorandum of Understanding (MOU) for the period of July 1, 2011 through June 30, 2013 between the City and the Fremont Association of City Employees (FACE), and authorize the City Manager to execute the MOU.

## **6.1 Report Out from Closed Session of Any Final Action**

**8.1 Council Referrals – None**

**8.2 Oral Reports on Meetings and Events**



## ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA .....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD.....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA.....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD.....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC.....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO .....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF.....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
September 20, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 27, 2011		No Council Meeting		
October 3, 2011	4-6 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
October 3, 2011	6:00 p.m.	Special City Council Meeting	Council Chambers	Live
October 4, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 11, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 18, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 25, 2011		No Council Meeting		
November 1, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 8, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 15, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 22, 2011		No Council Meeting		
November 29, 2011		No Council Meeting		
December 6, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 13, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 20, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 27, 2011		No Council Meeting		